31st Congress, 2d Session. [SENATE.] Ex. Doc. No. 6.

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MESSAGE

OF

THE PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

In compliance with a resolution of the Senate, a report of the Secretary of State, with documents relating to the African slave trade.

DECEMBER 17, 1850.
Read.
DECEMBER 18, 1850.
Ordered to be printed, and that 1,500 additional copies be printed for the use of the Senate.

To the Senate of the United States:

I herewith transmit a report of the Secretary of State, with accompanying documents, relating to the African slave-trade, in answer to the resolution of the Senate of the 28th of August last.

MILLARD FILLMORE.

WASHINGTON, *December* 12, 1850.

DEPARTMENT OF STATE,
Washington, December 11, 1850.

The Secretary of State, to whom was referred the resolution of the Senate of the 28th of August last, requesting the President "to lay before the Senate, if not, in his judgment, incompatible with the public interest, a copy of a despatch to the Secretary of State, dated January 8, 1850, from Mr. Tod, Envoy Extraordinary and Minister Plenipotentiary at the court of Brazil, and of the letter of Mr. Parks, late consul at Rio de Janeiro, accompanying the same, together with such other despatches from said envoy as relate to the subject of the slave-trade," has the honor to lay before the President the papers mentioned in the subjoined list. These are believed to embrace all those called for by the resolution, with the exception of Mr. Tod's despatch No. 12, which is not on file in the department. The clerk who has the custody of the despatches from the legation of the United States at Rio de Janerio states that the despatch referred to was submitted to the consideration of the President of the United States soon after it was received, but was not returned to the department. It may, therefore, have been mislaid. Mr. Tod has, however, been requested to forward a duplicate of the same.

Respectfully submitted:

DAN. WEBSTER.

To the PRESIDENT OF THE UNITED STATES.

List of papers accompanying the report of the Secretary of State to the President, of the 11th December, 1850.

Mr. Tod to Mr. Buchanan, No 11, (extracts) October 16, 1847.
The same to the same, No. 17, (extract) January 27, 1848.
The same to the same, No. 23, (extract) May 29, 1848.
The same to the same, No. 28, (extract) September 30, 1848.
The same to the same, No. 34, (extract) January 11, 1849.
The same to Mr. Clayton, No. 45, (extracts) October 17, 1849.
The same to the same, January 8, 1850.
The same to the same, No. 53, (extract) March 18, 1850.
The same to the same, No. 58, June 29, 1850.

Mr. Tod to Mr. Buchanan.

[Extracts.]

[No. 11.] LEGATION OF THE UNITED STATES,
Rio de Janeiro, October 16, 1847.

SIR: I am mortified to learn, by reference to their correspondence, that my predecessors have been compelled to report to your department frequent instances of the use of the flag of our country in the infamous traffic of carrying negroes from the coast of Africa to this country. It has also been their painful duty to announce the fact of American citizens being engaged in this abominable trade. I deeply regret that it is likewise incumbent upon me to address my government upon the subject.

The infamous traffic is yet carried on to an extent, I am advised, almost incredible. Many discreet and intelligent men have informed me that not less than forty-five thousand negroes have been imported into Brazil within the last year. The poor creatures are not only separated from their homes and friends; but, on their passage, and frequently after their arrival here, are treated most brutally. More or less of every cargo are murdered on the voyage, and the survivors are too often used as mere beasts of burden.

This traffic should, at all hazards, be put down; and when I inform you that by far the greater portion of it is carried on in vessels built in the United States, and under the flag of our country, I trust you will agree with me, that it becomes us to act, and to act promptly. For myself, I will do so with hearty good-will.

Our consul at this place, in the months of May and July last, took sundry depositions, clearly establishing the fact that the American brig "Senator" proceeded to the coast of Africa, in the month of December last, and brought to the coast of Brazil a large cargo of negroes. The depositions (an abstract of which I enclose you, marked A) represent a scene of cruelty and horror indescribable. I was informed that the monster Miller, the mate, was yet in this city, and that he openly defied the authority of our government to arrest him. In the hope that I might be instrumental in procuring his apprehension, to be sent home for trial and punishment, and thereby, as far as practicable, wipe out the foul stigma he had brought upon our country—as well as to keep this government advised that the

United States are determined, as far as in their power, to break up this unholy traffic—I procured copies of the depositions, and on the 12th instant addressed a note to the Minister of Foreign Affairs, a copy of which (marked B) is enclosed.

I deeply regret that I could not have *demanded* the surrender of the wretch Miller. This, however, in the absence of treaty stipulations, I could not do. I will, however, continue to solicit it until they hand him over to us.

It will be difficult, if not impossible, wholly to rescue American vessels and the American flag from this trade. We build better ships and at less cost in the United States, than are built in any other part of the world. The slave trader, therefore, finds it to be his interest to use American vessels. But, above all, the "stars and stripes" give to vessels, throughout the world, a protection that is afforded them by no other flag.

Treaty stipulations with this government, binding it to lend its aid for the suppression of the trade, and providing for the surrender of the violators of our laws, are, perhaps, the only means we can resort to for its arrest. Well guarded provisions of this nature would, I apprehend, tend greatly to accomplish the desired end.

* * * * * * * * *

The use of American vessels in this traffic would also be materially checked by refusing sea-letters, except for the sole purpose of returning home to obtain a register.

These several measures adopted, and then rigidly enforced, would tend greatly to arrest this guilty and inhuman traffic. The subject is one of great moment to our government, and I hope you will, without delay, give me your views upon it.

I have the honor to be, very respectfully, your obedient servant,

DAVID TOD.

Hon. James Buchanan,
Secretary of State.

A.

Synopsis of depositions taken before Gorham Parks, United States consul, Rio de Janeiro, in the months of May and July, 1847.

Joseph Alvares Cunha deposed: That he was cook on board the brig Senator, which sailed from Rio on the 23d of December, 1846, with a general cargo; that the brig first touched at Ambriz, where a part of the cargo was left; next at river Congo, where more cargo was landed; after which she made sail direct for Cabinda, where another portion of the cargo was left; and then proceeded to Loango, the termination of said brig's voyage. That same day she arrived at Loango; the captain went ashore, and deponent saw him no more. That after remaining about 10 days at Loango a cargo of slaves arrived, and were put on board during an afternoon—the number of slaves amounted to about 914. That the brig then sailed for Brazil under a Portuguese captain, and in 23 days cast anchor near Macahi, having lost 246 blacks by death. That at Macahi the crew were discharged. That John Miller, first mate, left at Macahi. That Manuel Jero was left at river Congo. That one seaman (William Temple,

deponent believes) was left on the coast of Africa. That others, to wit: the deponent, Edward Casey, Geo. C. Koeler, William Lawrenson, William H. Christie, William Sampson, and Robert Pidgeon, left at Macahi, after the slaves were landed. That when deponent shipped he inquired both at this consulate and aboard of said brig, of Captain Kelly, if he was going for slaves, or with a regular cargo. That Kelly replied he was going and should return with a regular cargo. That deponent was ignorant of the sale of said brig until she arrived at the coast of Africa, at Loango, at the time the slaves were taken in. That the day before the slaves were taken in the mate was on shore, and on his return told the crew that the brig was sold. That the last time the flag of the United States was used was when the vessel was going into Loango. That after that the brig carried no flag. That the mate told the men at Loango that they might go ashore or remain, as they pleased; but that as the mate represented it very sickly on shore, the deponent remained on board. That the deponent first saw the Portuguese captain at Loango when he came aboard. His name deponent understood to be Antonio Augusta. That no person offered to pay off the crew of said brig. That deponent understood Captain Kelly to be very sick, he having sent for his cot the day before the slaves were put on board. That when the slaves came on board they were stowed away like cargo in the hold. That they were allowed to come on deck for air about twice a week, part at a time. That the cause of the death of so many was the scarcity of water.

William Lawrenson deposed: That he shipped on board the brig Senator, of Boston, at Rio, in December, 1846, for a voyage to Africa and back to Brazil. That John Kelly was master of said brig. That they sailed about 1st January, and after a fair passage arrived at Ambriz, on the west coast of Africa. Carried over three Brazilian passengers, who were landed at Ambriz. At that place discharged some cargo, and then went to river Congo and discharged more; then went to Loango and discharged the balance. Then took in ballast to come back to Brazil. Then took in 943 negroes, and of this number a great many died on the passage to Brazil—three hundred and seventy-three blacks and three white men, as I was told. The remainder were landed at a little place to the north of Cape Frio. Captain Kelly was left ashore sick at Loango. A Portugnese captain came home as master. Also went to Cabinda, after leaving river Congo, before went to Loango. Last time saw American flag hoisted was at Cabinda, there being two or three English men-of-war there, and one American man-of war. I was taken sick at Cabinda, and continued sick when arrived at Loango. I and one other man went ashore at Loango, and were in a negro hut for some days, and being very sick with fever, I requested to be taken on board the vessel. Two or three days after this the mate came on board, and called on the men to come aft, when he announced that the vessel was sold, and inquired who wished to leave the vessel; that they might go and receive three months' extra pay. Deponent was so sick that he lay helpless on the deck. One man and the captain left at Loango. In ten minutes after the mate had told them this, the negroes were brought on board. In half an hour after the slaves, or negroes, were brought on board, we went to sea. Only about six or seven were in irons; the rest were loose. The name of the mate was Miller. The cause of the great number of deaths was the want of water. The blacks were not allowed a pint of water a day. The first night at sea

deponent was told that 74 died. This was because the ship was too full. They were men, women and children. The deck and hold were both as full as they could be. Were twenty-two days on the passage. Had no colors up on the voyage. Deponent was turned ashore when the slaves were landed, without being paid any wages for going out or coming back, excepting the two months' advance he received at Rio; but they gave him as a present, as they said, 350 milreas, though he was too sick to do duty. He did steer the ship a part of the way for eight days, although too weak to stand, but did it sitting on the quarter-deck.

George C. Koeler deposed, that he shipped on board the "Senator" in Rio, in December, 1846, for a voyage to the coast of Africa and back. Sailed on 3d January; arrived at Ambriz in about seven weeks, and there discharged a part of cargo and left two passengers, either Portuguese or Brazilians. Next went to river Congo, and discharged more cargo; thence to Loango, where more was discharged; and thence to Cabinda, where balance was discharged. A part of the time deponent was at Cabinda, he was so ill as to be insane. While there, after everything was taken out of said vessel, the mate, Mr. Miller, went ashore one morning, and returned about 8 the same morning, and called all hands aft, and said that the vessel was to take in slaves, and the hands might either remain or go ashore, as they pleased. I could not go on shore, and was compelled to remain. After this the Portuguese captain came on board, and the crew went to work to make all ready to receive the slaves. The mate worked with the rest, and aided in receiving the slaves, who were brought aboard the same afternoon, and about dark the vessel went to sea. Captain Kelly was very sick ashore at this time, and was left there. He left the vessel the day we arrived, and did not come on board afterwards. Took on board 933 slaves. 74 died in the hold the first night from suffocation, the slaves lying on top of each other, the hold was so crowded. The deck also was so crowded, could not well move about. Only six hundred and fifty were alive on their being landed, which was done about ten miles to the north of Cape Frio. Most of the slaves who died perished from want of water. Miller acted as mate during the voyage over. Deponent has seen Miller in this city within a few days. Miller told us our wages would be paid in Rio; and Señor Ramos was supercargo, and he told us we should be paid by his brother in Rio. Deponent was paid 350 milreas by Señor Ramos the elder, on board, before the slaves were landed.

William Temple deposed, that he shipped on the "Senator," John Kelly master, to go to Africa on a trading voyage, on the 18th of December, 1846. Sailed on 2d January. Arrived at Ambriz about 20th of February, and there delivered a little of the cargo; thence went up the river Congo, and delivered more cargo there; thence to Cabinda, and delivered more cargo; and thence to Loango, where balance was discharged. At the last place the captain and deponent went ashore, the captain being sick. The merchants there, to whom the vessel was consigned, came on board and said she was about to take in slaves, and that those who did not wish to remain could go on shore. Deponent went on shore, and was the only one who left her there. The mate, John Miller by name, was the one who told us that the slaves were to be taken on board. Miller came on board with this intelligence about six o'clock in the morning, and deponent went ashore in the boat that brought him

off. The vessel sailed the next day. The deponent did not wait to see the slaves put on board, but waited on the captain at Loango until he died. Deponent arrived at Rio, in the Castet, about the middle of July. One of the merchants, called Bastos, came on board the vessel with Miller, when the latter announced that she was to be converted into a slaver.

William Henry Christie deposed, that in December, 1846, he shipped on the "Senator" to go on a voyage to the coast of Africa and back to Rio. Sailed from Rio January 3, and in thirty-five days arrived at Ambriz. Staid there a few days and discharged some cargo; then sailed to the river Congo, remained there about sixteen days, and discharged another portion of cargo; thence went to Cabinda, and remained about a week discharging more cargo, and then proceeded to Loango, where the rest of the cargo was discharged. After lying about a fortnight there, the slaves, the exact number of whom I am not aware, arrived and began to come on board one day after dinner, and we weighed anchor and went to sea about five o'clock in the evening of the same day. The slaves did not appear to be sorrowful or unhappy. Only five were brought on board in irons, and these five were made overseers the next morning over the others. About sixty died the first night. Nothing particular occurred during the voyage, excepting that a great many died. When leaving Loango, there was an English man-of-war's pinnace apparently in chase of us. Brought over thirteen Portuguese or Brazilians as passengers, of whom three died. The captain of the vessel, in place of Captain Kelly, was a Portuguese. The greater part of the crew were sick at different times. Deponent, Pidgeon, one of the crew, and Alvares Cunha, the cook, were the only persons of the crew who had not the fever. Slaves were landed at Macahi bay, in front of a small town, not Macahi. Señor José Ramos was supercargo. Were paid off by the captain before the slaves were landed. All the men before the mast received each 450 milreas.

B.

LEGATION OF THE UNITED STATES,
Rio de Janeiro, October 12, 1847.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States, has the honor to enclose to his Excellency Saturnino de Sanga i Oliveira, Minister and Secretary of State for Foreign Affairs, the depositions to which he referred in their interview of yesterday, and which were taken before the United States consul of this port in the months of May and July last.

This proof establishes beyond question the fact that the American barque "Senator," under the flag of the United States, sailed from this harbor in the month of December last, to the coast of Africa, for a cargo of human beings; that she received on board some nine hundred blacks; that after a short voyage she returned and landed at Macahi, a Brazilian port, within one hundred miles of the capital of the empire, over six hundred and fifty souls, and that on the passage two hundred and forty six were cruelly murdered—not with the ordinary instruments of death, which, under the

circumstances, would have been a blessing to them, but by the awful and excruciating tortures of thirst and suffocation.

The perpetrators of this hellish deed still stalk abroad, whilst the blood of the wretched victims, as well as the cry of those who escaped death to enter perpetual bondage, is yet unavenged and unanswered.

One of the principal actors in this wholesale piracy—the mate, Miller—is a citizen of the United States, as the undersigned has been informed. He is now in this city, and is represented to boast of his security. The laws of the United States make ample provision for the punishment of those concerned in this high-handed outrage, if the guilty actors were within their jurisdiction, and it is a source of deep regret to the undersigned that, in the absence of treaty stipulations upon the subject between the respective governments, he is not authorized to *demand* of Brazil, in behalf of the United States, that this man, Miller, be surrendered for the purpose of being sent home for trial and punishment. But although the undersigned has no right to *demand*, he trusts that, in view of all the facts, a deaf ear will not be turned to him when he *solicits* the imperial government to cause Miller to be arrested and delivered on board the United States ship "Ohio" for the purpose already mentioned.

The foul stain resting upon both governments must be wiped out. The undersigned well knows that the United States will neither forget nor forgive the outrage to her flag, and he sincerely hopes that a like spirit pervades the bosoms of all participating in the administration of the affairs of the Brazilian empire. He will not believe, until conviction is forced upon him, but that his Majesty's government will go hand in hand with the United States in the suppression of the slave trade. Indeed, was the undersigned satisfied that the authorities of this country countenanced the infamous traffic, he should forthwith recommend to his government an entire dissolution of all connexion with Brazil; for the people of the United States, who are governors of that happy and prosperous land, could neither seek nor accept the friendship of a power that will in any manner abet the nefarious crime of stealing and forever enslaving their fellow-men.

The undersigned indulges the hope that his Majesty's government will embrace the occasion thus afforded to speak and act upon this important subject; and he flatters himself that the answer of his Excellency to this communication may be such as will give him the proud satisfaction of saying to his government that Brazil will lend her powerful aid in breaking up forever this abominable traffic.

The undersigned repeats to his Excellency assurances of his very high regard and consideration.

DAVID TOD.

Mr. Tod to Mr. Buchanan.

[Extract.]

[No. 17.] LEGATION OF THE UNITED STATES,
Rio de Janeiro, January 27, 1848.

SIR: For the past few days I have been busily engaged, with Commodore Storer and Consul Parks, in causing an investigation into the pro-

priety of the seizure of the American barque "Laurens." She came into this port about the first instant, in ballast, and for many days past we have had reason to suspect that she was fitting for the coast of Africa, for the purpose of bringing back a cargo of negroes. On the 23d instant she went to sea, and, as had been previously determined on, the United States schooner Onkahye, under the command of Lieut. Berryman, immediately followed, and, when without the jurisdiction of Brazil, boarded her. Finding on board the vessel abundant evidence to justify her seizure, Lieut. B. took possession of her, placed on board the officers and crew necessary, and sent her to the United States.

He also arrested the officers and crew found on board of the Laurens, and brought them into this port, (with the exception of the captain and cook,) and placed them on board the Brandywine for safe keeping. For the benefit of the district attorney, who may have the charge of the prosecution of the case, I caused the affidavits of several persons to be taken. These affidavits were taken on board the Brandywine, and will be sent to the Secretary of the Navy by Commodore Storer. As I have not time to procure copies for you, I am compelled to refer you to the Navy Department for them. The evidence taken establishes beyond all question the legality of the seizure of the vessel, and proper vigilance alone will be required to insure her conviction.

The Onkahye will leave immediately for the United States, taking with her the crew of the Laurens. She will reach home many days, it is believed, before the arrival of the Laurens, thus giving you ample time to arrange everything for her reception.

The immense value of the prize, as well as the vast importance of her acquittal to the future operations of the slave merchants of this city, will induce her owners to make powerful exertions to extricate the vessel and cargo. I hope you will cause them to be met at every step in the progress of the case. No exertions should be spared to bring the case before the court upon its true merits.

It will be necessary that a commission issue, to take testimony here. I would advise that you name Mr. Parks (our consul) and Major Morgan (secretary of legation) as the commissioners on the part of the United States. A careful perusal of the affidavits sent home, will enable the district attorney to propound the necessary interrogatories to the witnesses.

Our success in this case confirms me in the opinion expressed to you some time since, that it is highly important to keep on this naval station some small vessels, for the express purpose of suppressing the slave trade. Most of the vessels for the coast are fitted out at this place, and with the few friends the poor negro has here, it will be difficult for them to put to sea without our knowledge. With these small vessels, those using our flag can be followed, examined, and arrested. Again, since the seizure of the Laurens, the bare presence of a vessel of the United States in the harbor, capable of following them to sea, will do much towards arresting the use of our flag. I hope, therefore, that the President will, without delay, cause to be sent to this port at least two small vessels; steamers are greatly to be preferred. The cost of maintaining steamers at this place, I am aware, is an objection to using that class of vessels; but if I am not mistaken as to the results to be gained, this consideration should

not weigh a feather. The flag of the United States should be rescued from this foul traffic, if it cost the last dollar in our treasury.

Mr. Tod to Mr. Buchanan.

[Extract]

[No. 23.] LEGATION OF THE UNITED STATES,
Rio de Janeiro, May 29, 1848.

* * * * * * * *

The Alleghany arrived on the 27th ultimo. She is exactly the craft we want in these waters to look after the slave-traders. So long as she remains here the slavers will not dare to fit out and start for slaves under our flag. Our ability to seize will render seizures unnecessary. I hope, therefore, that she may be permitted to remain here.

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Mr. Tod to Mr. Buchanan.

[Extract]

[No. 28.] LEGATION OF THE UNITED STATES,
Rio de Janeiro, September 30, 1848.

SIR: * * * * * * * *

With a desire to place you in possession of all the facts touching the trade between Brazil and Africa, legal as well as illegal, carried on under our flag, on the 24th of July I addressed a circular to each of our consuls, a copy of which I send you. I have as yet had replies from two or three only, but hope to hear from the others very soon.

The information thus elicited I hope will induce the President to recommend the abolition of all trade in American vessels between the ports of Brazil and the coast of Africa, for in no other way can our flag be rescued from the abominable traffic in human flesh.

* * * * * * * *

I have, &c.,

DAVID TOD.

Hon. JAS. BUCHANAN,
Secretary of State, Washington.

CIRCULAR.

UNITED STATES LEGATION,
Rio de Janeiro, July 24, 1848.

SIR: Desiring to ascertain the extent of the trade (legal as well as illegal) in American vessels between the ports of Brazil and the coast of Africa, you will oblige me by furnishing answers, at as early a day as may be convenient, to the following questions:

1. What has been the annual number of clearances of American vessels from your office, for that coast, for the five years ending on the 31st instant?

2. At what may be estimated the value of the exports in said vessels annually for the same period?

3. What has been the annual number of arrivals of American vessels under the American flag, from said coast, in your port for the same period?

4. At what may be estimated the annual value of the imports brought into your port in said vessels for the same period?

5. What has been the number of American vessels sold in your port annually, for the same period, and put into the African trade?

6. At what may be estimated the number of blacks landed within your consulate from the coast of Africa annually, within the same period, designating the number imported in American bottoms—whether the United States flag had, or had not, been used?

Any information not elicited by the foregoing questions, tending to show the extent of the slave-trade carried on in American vessels, or throwing other light upon the subject, will be thankfully received.

I am, sir, very respectfully,

DAVID TOD.

Addressed to U. S. Consuls *in Brazil.*

Mr. Tod to Mr. Buchanan.

[Extract.]

[No. 34.] Legation of the United States,
Rio de Janeiro, January 11, 1849.

The traffic in slaves from the coast of Africa yet curses this country, and I fear it will continue for years to come. I regret to say that our flag is still to some extent disgraced in this infamous trade. Our consul, Gorham Parks, esq., as well as the officers of our squadron, I am happy to say, have done, and continue to do all in their power to rescue the national ensign; but so long as our vessels are permitted to clear from the ports of Brazil for the coast of Africa, *for any purpose whatever*, no regulation can entirely check the evil. I would therefore recommend that all trade in American vessels between the ports of Brazil and those of Africa be prohibited by law. The *legal* trade between the two countries is inconsiderable; the loss therefore to our carriers would be trifling.

I also recommend that our laws providing for the issue of sea-letters to vessels sold abroad be so amended as to entitle the purchaser to a sea-letter only to navigate his ship to the United States. This would at all times give to our government the security afforded by the bond executed by the owners upon obtaining their register, and to this extent serve to prevent a violation of our navigation laws.

Mr. Tod to Mr. Clayton.

[Extracts.]

[No. 45.] LEGATION OF THE UNITED STATES,
Rio de Janeiro, October 17, 1849.

SIR: In my despatch No. 44, of the 6th instant, I referred to the case of the American vessel "Herald," of Stonington, which on the 2d instant entered this port under the name of the "Joaquina Guimaraes," and bearing Brazilian colors. I stated, if sufficient testimony could be collected to authorize it, I would make a demand upon the imperial government for the summary surrender of the vessel, and promised when I should receive a written communication from our consul, to transmit it to you; forwarding at the same time my correspondence with the Foreign Office, and such other matter, throwing light upon the subject, as might be in my possession, which I have now the honor to do. (See papers herewith, Nos. 1, 2, and 3.)

Mr. Kent's communication, although bearing the date of the 3d, was not left at this legation until the 12th; and the documents accompanying it being voluminous, it became impracticable to transmit my note to the Minister for Foreign Affairs earlier than yesterday.

I beg now to direct your attention to that note—to ask for the documents accompanying it a careful examination, and to be informed whether my action in the premises meets the approbation of your department.

Whilst carefully avoiding any offensive allusion to this government, the character of the case impelled me reluctantly to use language which may be regarded as harsh, yet not, I trust, uncalled for. * *

I deemed it important in the outset to make the imperial authorities sensible that the African slave power in this country is properly understood, and that when it becomes arrayed in opposition to the rights or property of American citizens, the resistance to its encroachments, and the demand for redress, will be prompt, determined, and unyielding.

The slave importers are, to some extent, the moneyed men of Brazil.

* * * * * * * *

I have been verbally informed that those in possession of the "Herald" will attempt to establish their right to hold her under an alleged sale by Barker, the master. A reference to my note and the accompanying documents will, I cannot doubt, satisfy you that no valid sale can have taken place, and that no purchaser could be ignorant that he was buying stolen property. I am inclined to the opinion, that the nature of Barker's operations was such as is described in the letter of Consul Hamilton; that a sham sale was made to procure Brazilian papers, which could be shown in case of coming in contact with an American man-of-war, and that when Barker died (as is reported) during the recent and last passage of the ship from Africa, the fraudulent papers and evidence of title were used as if honestly obtained, and for a fair consideration. But this is surmise. The only certainty in the matter is that American citizens have been plundered of their property, and that the robbers should be compelled to restore it.

Should you desire information in reference to the "Herald" which is not contained in the accompanying papers, it may probably be obtained

by addressing Josiah Macy and Sons, part owners, New York, or Walter R. Jones, president of the New York Atlantic Mutual Insurance Company.

In the spirit of procrastination, characteristic of this government, it is not improbable that months may elapse before its final decision is made known. It may be, therefore, possible to receive instructions from you in time to guide my course should the imperial authorities refuse to surrender the vessel in accordance with my request. * *

I have the honor to be, very respectfully, your obedient servant,

DAVID TOD.

Hon. JOHN M. CLAYTON,
Secretary of State, Washington, D. C.

No. 1.

LEGATION OF THE UNITED STATES,
Rio de Janeiro, October 3, 1849.

The undersigned, secretary of legation of the United States, has the honor to address his Excellency the Visconde de Olinda, Minister and Secretary of State for Foreign Affairs, &c. &c., for the purpose of advising his Excellency that he has received official, and what he conceives to be reliable, information of the arrival in this port, during the afternoon of yesterday, of a ship under the Brazilian flag, bearing the name of "Joaquina Guimaraes;" and that evidence has been presented to the undersigned, which convinces him that the said ship is in fact the property of citizens of the United States; she having been fraudulently transferred by her late captain, who possessed no authority to sell the vessel, and the sale not having been solemnized, as is believed, agreeably to the existing regulations of the Brazilian government.

Prior to this fraudulent transfer, the vessel referred to was the American whaler "Herald," of Stonington .

The undersigned respectfully requests his Excellency to cause such orders to be issued as may be necessary to prevent the said ship leaving this port, until an investigation of the subject can take place, after the arrival of Mr. Tod, who is expected in this city on the 5th instant.

The undersigned tenders to his Excellency assurances of his profound respect and distinguished consideration.

THOMAS J. MORGAN.

No. 2.

LEGATION OF THE UNITED STATES,
Rio de Janeiro, October 6, 1849.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States, has the honor to inform his Excellency the Viscount de Olinda, Minister and Secretary of State for Foreign Affairs, &c. &c., that he has examined the note of the 3d instant, addressed to his Excellency by the secretary of this legation, relative to the vessel now known as the

"Joaquina Guimaraes," and fully approves of and endorses the contents thereof.

The undersigned returns thanks for the prompt manner in which the request contained in that note was complied with on the part of his Excellency, as he has been informed by the secretary of this legation.

It is the intention of the undersigned to present this case to the consideration of the imperial government, supported by testimony which he believes will prove overwhelming and conclusive. Some days, however, must necessarily elapse before this evidence can be laid before his Excellency, and he has, therefore, to respectfully request that such orders may be immediately issued by the proper department as will prevent the said vessel leaving this port until the application, which the undersigned intends to make, shall have been fully considered and acted upon.

The undersigned informs his Excellency that this ship, since her fraudulent transfer, and since she has sailed under the Brazilian flag, has been engaged in the slave-trade—a fact which will render the government of the United States peculiarly sensitive upon the subject, and causes the undersigned to feel painfully solicitous that she may be rescued from the custody of those who are believed to have obtained possession of her through the grossest fraud upon the rights of the owners.

The undersigned renews to his Excellency assurances of high regard and consideration.

DAVID TOD.

No. 3.

LEGATION OF THE UNITED STATES.
Rio de Janeiro, October 16, 1849.

The undersigned, Envoy Extraordinary and Minister Plenipotentiary of the United States, has the honor to address his Excellency Paulino José Toares de Souza, Minister and Secretary of State for Foreign Affairs, &c., &c., for the purpose of calling his Excellency's attention to the case of the American vessel "Herald," of Stonington, referred to in the notes from this legation to his Excellency's predecessor, the Visconde de Olinda, under the dates of the 3d and the 6th instant.

The undersigned will proceed to lay before the imperial government facts and evidences of such a character, as can leave no doubt that the American vessel "Herald," now called the "Joaquina Guimaraes," came into the possession of Brazilian subjects through fraud; that she is still the property of citizens of the United States, and that she should at once be surrendered to the American consul in this city, who, by virtue of his office and by power of attorney from the owners, is authorized to receive her.

The undersigned now submits:

1st. A note from Edward Kent, esq., United States consul, Rio de Janeiro, marked A, which gives a summary statement of the circumstances connected with this case.

2d. A copy of the certificate of the registry of the "Herald," marked B, which shows that said vessel was American in November, 1845; which

gives the names of her owners, and establishes the fact that Samuel Barker was master thereof, but in no other way interested.

3d. A certificate signed by the clerk of the customs of the city of Paranagua, marked C, represening that the said "Herald" entered that port as American property, and under the American flag, on the 4th of October, 1848, and became Brazilian on the 15th of January, 1849, when her name was changed to "Joaquina Guimaraes." The said certificate further represents that she was transferred by Samuel Barker, the master.

4th. The deposition of Lieutenant Mullaney, marked D, which establishes that the vessel "Joaquina Guimaraes," which entered this harbor on the 2d instant, is the same referred to in the certificate marked C.

5th. The protest of Albert Scranton, marked E, who left the United States in the "Herald" as first officer, in December, 1845, and remained aboard in said capacity until June, 1848, when he was discharged by Samuel Barker, master, who declared he had sold her when in Rio de Janeiro, for the purpose of being sent to the coast of Africa. The preceding month the vessel was put in good repair, in this city, ostensibly for a whaling voyage.

6th. The deposition of Elias Phipps, marked F, who was a seaman aboard the "Herald," and made one slave voyage in her in the summer and fall of 1848; the result of which voyage was, the landing by Captain Barker of over one thousand Africans in Brazil. Deponent then traces the vessel to Paranagua, where she arrived under American colors.

7th. An official note from R. M. Hamilton, esq., consul of the United States at Montevideo, marked G, dated January 16, 1849, and addressed to Captain Cooke, in command of the United States sloop-of-war St. Louis, then at the river Plata, giving him information which he had received from an American merchant captain from Paranagua, touching the operation of Barker in the ship "Herald." Mr. Hamilton's informant received his intelligence from Barker himself, but requested that his name might not be disclosed, fearing, doubtless, the power and the vengeance of the slave-dealers. The name of the American captain has been communicated to the undersigned, and he is known to be a reputable man.

After the receipt of consul Hamilton's note, as appears by the deposition of Lieutenant Mullaney, the St. Louis proceeded to Paranagua, where the "Herald" was found on the 30th of January, under the Brazilian colors, and under her present name. In that character she proceeded to sea on the 24th of February, accompanied by the said Barker.

The certificate herewith, marked C, states that the "Herald" was sold by Barker to the Brazilian subject, Manuel Antonio Guimaraes, a citizen of Paranagua, on the 15th of January, 1849. In June, 1848, Barker told Scranton, the mate, (see paper E,) that he had sold the ship to a house in Rio de Janeiro, and at that time actually pretended to surrender her, at the island of Saint Sebastian, for the sum of $12,000; and, by the note of Mr. Hamilton, it appears that in December, 1848, Barker represented that he had contracted with Manuel Pinto, of Rio de Janeiro, to perform three voyages to the coast of Africa for slaves, in the disguise of a whaler; and that he had made a sham sale of the ship at Paranagua, to one Guimaraes, so as to obtain Brazilian papers in addition to his American papers: that in the event of falling in with an American cruiser he would hoist the Brazilian flag—if an English cruiser, the American—and thus avoid cap-

ture. The last statement of Barker seems most consistent with the evidence, and probably approaches the truth.

The alleged sale at Paranagua, whether sham and without consideration, or real and with one, must have been grossly fraudulent. To suppose that a sale did take place there, it is necessary first to believe that the so-called officers of justice at Paranagua are but tools of the slave-power; and if so, their acts must not be permitted to give sanctity to baseness or legality to crime.

The following are articles 1, 2, 3, and 4, of the imperial decree No. 481, of the 24th October, 1846, "providing against the evils which result from the facility with which foreign vessels are bought and sold in the ports of Brazil;" said decree being still in force:

"ART. 1. No sale of a foreign vessel shall take place in the ports of the empire by the captain or commandant of her, or other person belonging to the crew, or passenger, or other individual, native or foreigner, without the knowledge and express authorization, in writing, of the consul of the respective nation, vice-consul, or consular agent, who resides in the place.

"ART. 2. If in the place where the sale is intended to be made there shall be no consul, vice-consul, or consular agent, it shall not take place without the authorization, in writing, of the civil authorities of said place.

"ART. 3. The civil authority shall only have power to concede the privilege to sell in one of the two cases, to wit: first, where a power of attorney, or order of the proprietors, with special power, is of such authenticity that it will not admit of doubt; second, when the captain or commandant establishes, conclusively, that the vessel which he wishes to sell is unnavigable.

"ART. 4. The fact that the vessel is unnavigable can only be established by proving one of these cases: first, that she has been wrecked; second, that the vessel needs repairs, the expense of which would exceed three-fourths of her value; third, that the captain or master has neither credit nor funds sufficient to make the necessary repairs, although their value may be less than provided for in the second case."

In the port of Paranagua there is neither American consul, vice-consul, nor commercial agent, and therefore no sale of the vessel could have been legally effected there, unless one of the two conditions contained in article third had been complied with. It will not be pretended that Barker had a power of attorney to sell the vessel from the owners in the United States; neither, in the face of the evidence now presented, would the most hardened have the temerity to say that a sale had been made after the second requirement of that article had been legally and in good faith satisfied. The alleged sale was a mockery and a farce. No transfer can have taken place except in defiance of law, and in violation of the rights of the owners. If there was really a purchaser, he must have been no less deeply steeped in fraud than the master himself.

Their traffic being in derogation of all law, the measures of the slave-dealers are too cunningly devised to render it an easy task to trace their movements, or to establish, by a consistent and conclusive chain of testimony, the precise character of their transaction. It does not devolve upon the undersigned, however, to show the various steps by which the "Herald" came into the hands of her present possessors. He has been informed that the master, Barker, died aboard the vessel at sea during her last passage from the coast of Africa. Whether she was then seized, or is

held under a sham sale, or otherwise, the undersigned knows not. He has presented evidence showing that she is American property, and there the case might be left; but, to remove all ground for hesitancy on the part of the imperial government, the undersigned has furnished testimony establishing that she could not have legally and honestly passed into the hands of Brazilian owners.

The slave importers and their agents have converted an American vessel into a transport ship for the conveyance of slaves to the coast of Brazil; and they have at the same time placed the imperial government in the attitude of throwing the protection of its flag over property robbed from a friendly power. The undersigned believes it is only necessary to bring the outrage finally to the knowledge of the Brazilian authorities, to induce them to adopt immediate steps for the rescue of their ensign from a service so unenviable. It was alone out of respect to the imperial colors that an American man-of-war abstained from seizing, upon the high seas, this property, which was known to belong to citizens of the United States; and the undersigned cannot suppose that the regard thus shown will be suffered to work an injury to the country which displayed it.

The undersigned has now respectfully to request that the imperial government may at once issue orders for the delivery of the said vessel "Herald," alias "Joaquina Guimaraes," into the custody of Edward Kent, esq., consul of the United States at Rio de Janeiro; and in case any delay should arise prior to a compliance with this request, the undersigned asks that the said vessel may be so protected as to guard against injury to the property.

The undersigned is not unaware that strong grounds should exist to authorize the demand, but at the same time he indulges the belief that his Excellency will recognise in the present instance a case that calls imperatively for summary proceedings—for measures that will render at least partial justice to the defrauded owners, and establish that the imperial government will not permit the commerce of a friendly nation to become a prey to slave robbers in the waters of Brazil.

The undersigned with pleasure embraces this opportunity to tender to his Excellency assurances of his profound respect and distinguished consideration.

DAVID TOD.

A.

CONSULATE OF THE UNITED STATES,
Rio de Janeiro, October 3, 1849.

SIR: I have the honor herewith to enclose to you sundry documents (a schedule of which accompanies this note) in relation to a vessel originally called the "Herald," of Stonington, but now called the "Joaquina Guimaraes." From these documents it will clearly and satisfactorily appear that the "Herald" was built in the United States, and owned by citizens thereof, and duly registered and documented as an American ship, and entitled to all the rights and protection guarantied by the laws of our country to such vessels; that she was owned in December, 1845, by Charles P. Williams, and others named in her register, all citizens of the United

States; that in that month she sailed on a whaling voyage from Stonington, in the State of Connecticut, under the command of Captain Samuel Barker; that after a cruise of many months as a whaler, with but little success, she came to this port of Rio de Janeiro in April, 1848; that here she repaired and refitted, and took in a cargo and a new crew, as stated in the depositions of Elias Phipps and Albert Scranton, and made a voyage to the coast of Africa, and brought back to the coast of Brazil between eleven and twelve hundred slaves. This illegal voyage was undertaken by Captain Barker without the knowledge, or consent, or authority of the owners. It further appears, by the certificate of the collector of the customs at the port of Paranagua, in Brazil, and the deposition of Lieutenant Mulloney, of the United States navy, that this vessel entered that port on the 4th of October, 1848, under the name of the "Herald," of Stonington; that whilst there Captain Barker made a formal sale and transfer of the vessel to Manuel Antonio Guimeraes, of that city, and that the sale was recorded in the books of the custom-house at that port, and that said vessel, under her new name, and under Brazilian colors, put to sea from Paranagua on the 24th February, 1849. It also appears that this same vessel arrived at this port of Rio de Janeiro on yesterday, and was at once recognised by Lieutenant Mulloney, before he knew her name, as he saw her from the deck of the frigate "Brandywine." She bears the name of "Joaquina Guimeraes."

I have also the honor to say that one-half of said vessel—her body, tackle, apparel, and furniture, and the whaling apparatus on board, and one-half of the owners' share of oil and bone—was insured by the Atlantic Mutual Insurance Company; and that, after this pretended sale by the captain, the owners abandoned to the insurance company the property insured, on account of the barratry of the said master, which was accepted, and the sum of nine thousand dollars was paid to the owners for the loss of said one-half insured, and the property was duly assigned to the said insurance company.

I would also say that I am authorized by a letter from the President to act for them in making claim for said vessel, in their behalf, wherever she may be found.

Under these circumstances, I deem it my duty to interpose, under said authority, and also as consul of the United States, in behalf of all the owners of said vessel, and to request you, in your official capacity, to make such representations and requests to the imperial government of Brazil as you may deem proper, to obtain such action from that government that this valuable property, belonging to citizens of the United States, which has been transferred, as before stated, by the master, without any authority or consent, direct or implied, on the part of the owners, may be speedily restored to its rightful owners.

I cannot doubt that such a nefarious and gross attempt to deprive American citizens of their property in this foreign land will not only excite the just indignation of the imperial government, but will also induce those clothed with its authority to cause immediate investigation and decided action in the premises. I shall be ready at all times to render any services, and to assist in any investigation which may be instituted, and to do all acts which I may properly perform, as an individual or in my official capacity, to bring to light the true facts in the case, and to cause a restora-

tion to the injured owners of this property, so wrongfully obtained from their possession.

I have the honor to be, with great respect, your obedient servant,

EDWARD KENT.

Hon. David Tod, *&c., &c., &c.*

B.

In pursuance of an act of the Congress of the United States of America entitled "An act concerning the registering and recording of ships or vessels," Charles P. Williams, Elisha Faron, William Pendleton, Charles O. Brewster, all of Stonington, in the State of Connecticut, having taken or subscribed the oath required by the said act, and having sworn that they, with Peleg Hancox, Oliver York, Samuel Bottom, Gurdon Trumbull, Hannah E. Dixon, Franklin Hancox, of said Stonington, Latham Hall, of North Stonington, Palmer Hall, of Westerly, and John H. Barker, of Portsmouth, in the State of Rhode Island, are the only owners of the ship or vessel called the "Herald," of Stonington, whereof Samuel Barker is at present master, and a citizen of the United States, as he has sworn, and that the said ship or vessel was built at Salem, Massachusetts, in the year 1822, as per register No. 7, issued at this port on the 20th day of June, 1843, now surrendered on a partial transfer of the property, and having been altered to a barque; and the said register having certified that the said ship or vessel has two decks and three masts, and that her length is ninety-five feet, her breadth twenty-three feet ten inches, her depth eleven feet eleven inches, and that she measures 241 $\frac{69}{95}$ tons, that she is a barque, has a square stern, no galleries, and a billet-head; and the said Charles P. Williams having agreed to the description and admeasurement above specified; and sufficient security having been given according to the said act,—the said barque has been duly registered at the port of Stonington.

Given under my hand and seal, at the port of Stonington, this twenty-ninth day of November, in the year 1845.

District and Port of Stonington,
Collector's Office, June 18, 1849.

I hereby certify this to be a true copy from the record of the register of the barque "Herald," in this office.

G. R. HALLAM,
Deputy Collector.

Stonington, Connecticut,
June 18, 1849.

Personally appeared G. R. Hallam, esq., deputy collector, and made solemn oath to the truth of the above and foregoing certificate, by him subscribed.

Before me,

ELISHA FARON,
Justice of the Peace.

C.

CUSTOM-HOUSE OF PARANAGUA,
January 30, 1849.

Castano de Souza Pinto, chevalier of the Order of Christ, clerk of the customs of the city of Paranagua, in the province of St. Paul's, &c., &c.:

I certify that, by the competent records of this department, it appears that the American ship called the "Herald," of Stonington, entered this port under the command of Samuel Barker, with the declaration of having been whaling, having on board pipes as ballast. It appears by another record that the said same ship became Brazilian property, under the name of "Joaquina Guimeraes," having been sold by the said American subject, Samuel Barker, to the Brazilian subject, Manuel Antonio Guimeraes, resident in this city, which sale was effected on the 15th of January of the present year, and she entered on the 4th of October, 1848. She was remeasured, and is of the burden of 326 tons, and at present under the command of the Brazilian subject Francisco Silveria Gonlaste Seinas, and declared to commence loading to Bombay.

CASTANO DE SONZA PINTO.

D.

I, J. R. M. Mulloney, a lieutenant of the United States navy, now attached to the frigate Brandywine, lying in the port of Rio de Janeiro, in the empire of Brazil, on oath, upon the holy evangelist of Almighty God, depose and say, that, in January, 1849, I was a lieutenant on board the sloop of war St. Louis, of the United States navy, Captain Cocke commodore; that we hove to off Paranagua, on the coast of Brazil, on the 29th of January last, and was sent in charge of the first cutter of said ship with orders to search for the barque Herald, Captain Barker master, having one of the men in my boat, to recognise her and identify her, who had made a slave voyage in her. On the morning of the 30th, I came in sight of the town, and found a ship at anchor, which was immediately recognised by the man before named as the "Herald." I pulled up under her stern, and found that she had a name on her stern, "Joaquina Guimeraes," or some name very similar. I looked at and examined the vessel particularly. She was then rigged as a ship. The man before named said she had been changed from a barque to a ship since he left her. This man's name is Phipps. He came out, as he said, from the United States in the Herald. She had no mizzen-top—only cross trees—at the time when the deponent saw her. I went up to the city, called on the collector of the customs, learned from him that this ship had entered the harbor of Paranagua under American colors, as the barque "Herald," of Stonington, Barker master. At the time I arrived, it appeared on the records of said custom-house that she was then under Brazilian colors, under the name of "Joaquina Guimeraes," bound for Bombay. This ship went to sea from Paranagua on the 24th of last February, towed out to sea by a Brazilian steamer. I saw her when she so sailed.

The above vessel arrived at the port of Rio de Janeiro on yesterday, the 2d of October, under Brazilian colors, about 2 30 p. m. I saw her

and recognised her as the vessel above described. I am certain it is the same ship above described, which I saw in Paranagua, under the name of "Joaquina Gnimeraes."

I remained in the harbor of Paranagua, Brazil, from the 29th of January, 1849, until the 4th of March following, and had very frequent opportunities of seeing the vessel.

J. R. M. MULLONEY,
Lieutenant United States Navy.

CONSULATE UNITED STATES,
Rio de Janeiro, October 3, 1849.

The above-named J. R. M. Mulloney personally appeared and made solemn oath, on the evangelist of Almighty God, that the foregoing deposition was true.

EDWARD KENT, [L. S.]
Consul of the United States.

E.

STONINGTON, *June 8, 1849.*

STATE OF CONNECTICUT, *ss:*

Personally appeared before me, George Hubbard, a notary public within and for the State of Connecticut, duly commissioned and sworn, Albert Scranton, first officer of the barque Herald, of Stonington, in the county of New London, of which said barque ship Samuel Barker was master. Said vessel left Stonington aforesaid, on a whaling voyage, in the forepart of December, 1845, bound to the Indian ocean and elsewhere.

Said Scranton deposes and says that, at the time said barque left or sailed from Stonington, she was strong, tight, and stanch, and well fitted for a whaling voyage.

Nothing material happened until, and subsequent to, our doubling the Cape of Good Hope, and arriving off the coast of Madagascar. There we had heavy weather, and sundry small accidents had occurred—the ship remaining during this time tight and stanch. From that time we had good weather, and nothing serious happened until the month of November following.

While in the bay of Bengal, we took a hurricane—ship under foretopmast stay-sail and storm-sail; ship was knocked on her beam ends, stove her waste boat, and experienced sundry other damage; after she righted, we found she had made much water; from this time she leaked about a thousand strokes every twenty-four hours. From this time nothing material occurred until some time in July following. (The dates, it is not in the power of the deponent to give precisely, as the log book was left on board of said Herald.) We took a large sperm whale, got him alongside; then commenced a very heavy gale of wind, ship lying under short sail, riding very hard against the whale. During the gale the whale got across the stern of the ship, screwed the cut-water around, and split it, and cracked the stern, carried away both of the bowsprit bits where the whale was made fast to, strained the ship forward and the water-way seam, carried away our martingale and rigging attached to it, and a part

of our fore-chains, and did sundry other damage. From this time the ship leaked from twenty-five hundred to twenty-seven hundred strokes every twenty-four hours. The leak increased until the following month, August, to rising of three hundred strokes every twenty-four hours, at which time the leak had so increased that we concluded to bear away for Mauritius for repairs; but, getting short of water, we stopped at Marvi, one of the lee Chili islands, where we arrived in September following, 1847. Here, by the advice of Captain Coffin and others, we concluded to repair our ship. We found the principal leak forward, at the wood end, and stern. We found the cut water split, and the stern cracked; had to give her a piece of new stern and cut-water, and do much other work to the ship, as the survey shows. The captain here endeavored to raise funds to repair the ship by bills of exchange, but failed, and in consequence he was obliged to sell our oil—nearly seven hundred barrels of sperm oil. This being insufficient, he was obliged to bottomry the ship for about fourteen hundred dollars, which he promised to pay at Mauritius, for which place we sailed after our repairs were made, some time during the month of November following. In getting our anchor, we parted the ring of the anchor, and the ship went abroadside into a reef, where she lay thumping some three or four hours. This set her to leaking again. We then got off and proceeded to Mauritius, in order to make arrangements for bills of exchange given to pay the balance of the bills against the ship. We arrived at said place about the middle of December following. The crew at that place entered a protest against the seaworthiness of said ship, and all left her except the captain, myself, and the cooper.

The captain there shipped twelve more men, and left here about the 1st of January, 1848, with the view, as this deponent supposed, of coming directly home. But, in doubling the Cape of Good Hope, we encountered a very heavy squall, carried away several of our spars—put in the Cape Town to repair, where we arrived the latter part of January. After repairing here, we left about the 1st of March. Stopped at St. Helena a part of a day on our passage. Captain went on shore; and when he came on board, we made sale for Rio de Janeiro, where we arrived about the first part of April, 1848. There all hands were left or discharged, except the captain and myself. After the captain went on shore, he came on board, and said he had made arrangements to refit the ship for whaling—took in provisions, and got her ready for sea—shipped a new crew, about twenty-one or two, (all told)—left there the forepart of May following, as I supposed, on a whaling voyage. We stood between here and Trinidad about three weeks. About the first of June we went into a small bay, situated 24.8, called Sambrio bay, uninhabited, on the island of St. Sebastian, on the coast of Brazil. After being here five or six days, a small steamboat came in with about thirty men and officers, and put them on board of our ship. They then took charge of the ship. The captain then informed me he had sold the ship to a house in Rio de Janeiro, and here he delivered her up, for the sum of twelve thousand dollars. That she was then bound to the coast of Africa. And here the captain discharged me. And further the deponent saith not.

ALBERT SCRANTON.

Whereas, at the request of said Albert Scranton, I do solemnly protest against the winds and waves, and also against the barratry of the

master and all and every person or persons whom it doth, shall, or may concern, for all losses, damage, insurance, expenses, and charges already incurred in consequence and by reason of the premises:

And I, the said notary, do hereby certify that said Albert Scranton was by me duly sworn to the truth of the facts contained in the above and foregoing protest, by him subscribed:

In faith and testimony whereof, I have hereunto subscribed my [L. S.] name and affixed my notarial seal of office, in Stonington, Connecticut, the day and year first above written.

GEORGE HUBBARD,
Notary Public.

This copy certified to be a true and exemplified copy of the original, and certified by

GEO. HUBBARD, N. P.

JUNE 8, 1849.

Protest fees	$2 00
Copy	1 50
Seal	25
	3 75

F.

CONSULATE OF THE UNITED STATES OF AMERICA,
Montevideo, January 16, 1849.

I, R. M. Hamilton, consul of the United States to the Oriental Republic of the Uraguay, do hereby certify that, on the day of the date hereof, was summoned, and personally came and appeared before me, Elias Phipps, mariner, a citizen of the United States, born in Salem, Massachusetts, who, being duly sworn, did declare, viz:

That in the month of October, 1845, he shipped, at Portsmouth, New Hampshire, on board the whale-ship called the "Ann Perry," of Portsmouth, James Bennett master, on a whaling voyage to the Indian ocean; that on the 7th October, 1847, being at the "Sea Shell" island, he left the "Ann Perry," and shipped on board the American whale-ship "Herald," Samuel Barker master, at said place, whence they sailed for the Mauritius; from thence the "Herald" proceeded to Cape of Good Hope, and thence to Rio de Janeiro, where she arrived in April of the last year—during all this time, did not cruise for whales; that on departure from Mauritius, the crew were placed by the master on monthly wages, and that after arrival at Rio de Janeiro, the crew, in part, were discharged; that he and Joseph Woods were the only two that remained on board; that at Rio de Janeiro the master had new "log-works" made, and shipped a full crew for over eighteen months' cruise for whales, (as was supposed;) and that on the 10th of May following said ship departed from Rio de Janeiro, and shaped a course for the Brazil Banks, and there cruised for whales a short time, but without taking any; that the captain then

steered for Sambrio, near St. Sebastian's, Brazil, and there took on board five hundred sacks of farina, rice, and beans; also, from ninety to one hundred bundles of jerked beef; also, some four or five kegs of irons, apparently for the feet, and eight or nine barrels Brazil rum; that after the aforesaid things were on board, they departed for the coast of Africa, as he understood, and that after being at sea about twelve hours the ship sprung a leak, when the captain put back into Sambrio, where the ship was caulked, after taking out the cargo she had previously taken in there; and that after the ship was caulked, took aboard about one-half of what had been landed, excepting the kegs of irons, all of which were again placed on board, when they sailed for the west coast of Africa, and there arrived, and anchored at Amberes. Does not recollect in what month he arrived there, but that they anchored at sundown, and sailed the next day about meridian, having received on board from *eleven* to *twelve hundred negroes*, with whom they proceeded to Cape Frio, on the coast of Brazil, and *there landed said negroes*, save some forty who died on the passage, and then got under way and ran to the southward and westward a few days, until out of sight of land, when the ship was hove to under the main-topsail. The weather was moderate and fine. That the captain remained on shore for the purpose of going to Rio de Janeiro from Cape Frio; and that after an absence of twelve days the ship returned to Cape Frio for the captain, when they made sail for Paranagua, the declarant having left the vessel while at Cape Frio, and proceeded to Rio de Janeiro in a Brazilian brig, having been paid by Captain Barker *seven hundred and thirty-five milreis* for services rendered on board said ship "Herald;" that he, the declarant, after arrival at Rio, took passage in a Brazilian brig bound to Parangua, and, on arrival there, found the ship "Herald" repairing, as aforementioned. To all which, he hereunto subscribes his name.

ELIAS PHIPPS.

In presence of

R. M. IVES, *U. S. Navy.*

And I, the said consul, do certify that the foregoing is a true copy of the declaration of Elias Phipps, placed on file in this consulate.

In testimony whereof, I hereunto subscribe my name, and affix my consular seal, at the city of Montevideo, this sixteenth [L. S.] day of January, in the year of our Lord one thousand eight hundred and forty-nine.

R. M. HAMILTON,
Consul of the United States of America.

G.

CONSULATE UNITED STATES,
Montevideo, January 16, 1849.

SIR: It becomes my duty to make it known to you that information has reached this consulate that, on the 16th December last, was left in the port of Paranagua, on the coast of Brazil, the ship "Herald," Barker master, bearing the flag of the United States, burden 260 or 270 tons, belonging to, and was fitted out at New Bedford for a whaling voyage; and that,

after cruising some time and being unsuccessful, she put into Rio Janeiro, and contracted with a person there to *perform three voyages to the coast of Africa for slaves*, under the disguise of a whaler—the person, resident of Rio Janeiro, named Manuel Pinto; that said vessel proceeded to Africa, and there took on board *eleven hundred and fifty negroes*, and landed those that were living in the vicinity of Cape Frio, on the coast of Brazil, in the latter part of October last, by which he gained a freight of *fifty thousand milreis*; when said ship proceeded to the port of Paranagua, to refit for a second voyage to Africa for slaves, and arrived at said port on or about the 12th of November; that said Barker recoppered the ship anew, and was filling a large number of casks with fresh water, and was making active preparations for his departure. Said Barker stated to the informant that he intended touching at Saint Sebastian on his passage to Africa; that he had made a sham sale of the ship at Paranagua to one Guimeraes, so as to obtain Brazilian papers, in addition to his American papers; that, in the event of falling in with an American cruiser, he would hoist the Brazilian flag—if an English cruiser, the American, and thus avoid capture; that said Barker had discharged all his original crew (Americans) and had shipped Brazilians in their stead, and that he should probably leave Paranagua about the middle of the present month of January, and, in the event of capture, should appear as a passenger on board; that said ship has a billet-head, square stern, the cabin below, none above decks, was painted with ports, had a regular-built slave-deck; that Captain Barker is about 33 years of age, round full face, rather short, light brown hair, and bandy-legged; that his family resided at Dartmouth, near New Bedford.

I have furthermore to state, that I am informed that an American seaman, by the name of Phipp, or Phipps, late of the "Herald," on her last voyage to Africa, is now to be found on board the American brig "Swan," at anchor in this harbor. I would therefore respectfully suggest the expediency of sending an officer from your ship on board said brig, and conducting said Phipps to this consulate, that his deposition may be taken, and thus more strongly substantiate the facts heretofore related.

The barque Louisa, under our flag, and formerly of Philadelphia, is fitting out at Paranagua also for the coast of Africa. The particulars of said vessel I have yet to learn. Having now given you all the information I possess in regard to the aforementioned illegal traffic—and all which I have received from a highly respectable ship-master, a citizen of the United States, recently from Paranagua, who does not wish his name to appear—I have the honor to be, very respectfully, your obedient servant,

R. M. HAMILTON,
Consul United States.

Commander H. H. Cocke,
U. S. ship St. Louis, near Montevideo.

P. S.—The informant got his information from *Captain Barker himself, at Paranagua.*

Mr. Tod to Mr. Clayton.

[No. 50.] LEGATION OF THE UNITED STATES,
Rio de Janeiro, January 8, 1850.

SIR: Fifty thousand Africans are annually imported into Brazil and sold as slaves for life. I believe one-half of this number are introduced through the facilities directly and indirectly afforded by the American flag. This belief is founded upon my familiarity with the subject, growing out of a close attention to it since my arrival in Rio de Janeiro. The declaration is a humiliating one, and nothing but a desire to awaken action on the part of the legislative power of our country could induce me thus to make it. As my predecessors had already done, I have from time to time called the attention of our government to the necessity of enacting a stringent law, having in view the entire withdrawal of our vessels and citizens from this illegal commerce; and, after so much has been already written upon the subject, it may be deemed a work of supererogation to discuss it further. The interests at stake, however, are of so high a character, the integrity of our flag and the cause of humanity being at once involved in their consideration, I cannot refrain from bringing the topic afresh to the notice of my government, in the hope that the President may esteem it of sufficient importance to be laid before Congress, and that, even at this late day, legislative action may be secured.

The following extracts from despatches of my immediate predecessors will satisfy you that I do not exaggerate the responsibility which attaches to us as a nation in connexion with this trade.

Mr. Proffit, in his No. 9, of 27th of February, 1844, wrote to Mr. Upshur:

"I regret to say this, but it is a fact not to be disguised or denied, that the slave trade is almost entirely carried on under our flag, in American-built vessels, sold to slave traders here, chartered for the coast of Africa, and there sold, or sold here, delivered on the coast. And, indeed, the scandalous traffic could not be carried on to any extent, were it not for the use made of our flag, and by the facilities given by the chartering of American vessels to carry to the coast of Africa the outfit for the trade and the materials for purchasing slaves." In the same despatch, Mr. Proffit intimated that such was the participation of American citizens, under the American flag, in the slave trade between Brazil and Africa, a United States minister could not consistently join in a remonstrance to this government, as provided for in the treaty of Washington—assigning as a reason, that "he who remonstrates on such a subject should do it at least with hands untarnished by the vile trade."

Mr. Wise, in his despatch No. 12, of February 15, 1845, said to Mr. Calhoun:

"It is not to be denied, and I boldly assert it, that the administration of the imperial government of Brazil is forcibly constrained by its influences, and is deeply inculpated in its guilt. With that it would at first sight seem the United States have nothing to do; but an intimate and full knowledge of the subject informs us that the only effectual mode of carrying on that trade between Africa and Brazil, at present, involves our laws and our moral responsibilities as directly and fully as it does those of this country itself. Our flag alone gives the requisite protection against the right of visit, search, and seizure; and our citizens, in all the characters

of owners, consignees, of agents, and of masters and crews of our vessels, are concerned in the business, and partake of the profits of the African slave trade to and from the ports of Brazil, as fully as the Brazilians themselves, and others in conjunction with whom they carry it on. In fact, without the aid of our own citizens and our flag, it could not be carried on with success at all."

Since the despatches were written from which the foregoing extracts have been made, no material change has taken place in the mode of conducting the slave trade. There has been no diminution in the number of Africans imported; and the participation of American citizens in this business at the opening of the year 1850 is believed to be at least as unblushing as at any former period. The important fact is thus established that our squadrons have failed to rescue the United States flag from the inhuman traffic, and that our existing laws upon the subject have proved signally inefficient.

It has been asserted at various times that the imperial government was about to resort to strong measures for the destruction of this commerce. Some months ago, reports of this character were more than usually prevalent; but, if any new steps have been taken to arrest the trade, they have proved entirely nugatory.

A respectable journal of this city, the "Correio Mercantile," of the 17th ultimo, in referring to the slave trade, and to the reported determination of the government to suppress it, held the following language:

"Singular circumstances! At the very time it is said the government is seriously engaged in suppressing the slave trade, the slave dealers are boldest and most ostentatious, and the landing of slaves is the most frequent and nearest to the principal ports of the coast. Official morality is marvellously advancing."

If the Brazilian statutes upon the subject were faithfully enforced, the slave trade could not continue. Unfortunately, however, those clothed with their administration and execution, with some honorable exceptions, connive at the traffic, and silently acquiesce in the violation of the laws they are sworn to uphold.

Whilst the head of the government and many of the most enlightened statesmen of the empire are believed to consider the slave trade as inimical to the true interests of their country, a greater number profess to be honestly of the opinion that the welfare of Brazil demands the continuance of the trade; and, after defending the traffic on the ground of necessity, many proceed to contend that the condition of the African is meliorated when he becomes a Brazilian slave. However repugnant to the principles of sound political economy and of enlightened humanity these doctrines may be, they are very generally entertained by the people of Brazil. When to these impressions is added the tremendous power of the prince, wielded by those who reap the immediate profits of the traffic, it may be inferred that the few who labor for its suppression have very embarrassing obstacles to contend with.

In this unequal struggle between humanity and patriotism on the one hand and cupidity and imaginary self interest on the other, the influence of the United States flag is scarcely felt, except in support of the slave dealer—the seizures made by American men of-war weighing as nothing in the scale with the facilities which our colors afford in the transportation to Africa of slave goods, slave crews, and slave vessels.

It is not my intention to point out the various modes in which our flag is used to advance the nefarious traffic. The government is already in possession of full information upon the subject. Despatches from this legation, and from the American consulate in this city, give the particulars in detail and with accuracy.

In my despatch No. 11, written more than two years since, I suggested certain measures for the suppression of the trade, and at the same time requested your predecessor's views upon the subject, which I failed to receive. Much reflection and close observation, however, have convinced me that there is but one way to rescue our flag from this disgraceful business. With my despatch No. 28 I forwarded a copy of a circular addressed to the United States consuls in Brazil, soliciting information which, if obtained, I hoped would "induce the President to recommend the abolition of all trade in American vessels between the ports of Brazil and the coast of Africa." To that circular, however, I received but partial and unsatisfactory replies. From the consuls at Rio de Janeiro and Bahia, the two ports of Brazil from which the great majority of slave vessels take their departure, I received no answers whatever. The late consul in this city informed me verbally that the proceedings of the slave dealers were such as to baffle every attempt to trace their operations, and that it would be impossible to reply to my circular in a reliable or satisfactory manner; referring me to the fact, with which I was already familiar, that vessels bound for the coast of Africa very frequently clear for islands in the South Atlantic and Indian oceans, for ports in Brazil, and also for the United States—fraud, perjury, and forgery going hand in hand with the commerce in African slaves.

In the absence, however, of the information I had hoped to obtain, I hesitate not to recommend—

1st. That all trade in vessels of the United States between the ports of Brazil and those of Africa be prohibited by law.

2d. That it be declared criminal to sell any American vessel on the coast of Africa, unless when condemned as unseaworthy, after survey made according to law.

3d. That it be declared criminal to sell, anywhere, an American vessel deliverable on the coast of Africa.

The foregoing provisions, introduced into a statute in a manner not to be evaded, and their observance enforced by a squadron of light-class vessels on this and on the coast of Africa, could not fail to purify our flag from the pollution of the slave trade. So long as the amicable relations which now exist shall continue between the two countries, large-class vessels are of no service here, unless intended as floating palaces for commodores. We require vessels of light draught—particularly steamers; and none others, in time of peace, are of the slightest practicable utility upon this coast. Several small vessels may be supported at an expense equal to that required to keep in service a single frigate. The energy and prowess of the American people have placed our country's name high among the great nations of the earth, and it is no longer necessary to send large ships abroad merely to satisfy the world of our wealth and our power.

It may be said, in general terms, that the entire trade carried on in American vessels between Brazil and Africa is directly or indirectly connected with the slave traffic. No one charters a United States vessel for

Africa, and no person purchases one deliverable there, except the slave dealer. I repeat it, the whole commerce carried on in American vessels between the two countries is stained with the blood of the African, and is a reproach upon our national reputation.

By referring to Mr. Wise's letter to Messrs. Maxwell, Wright, & Co., which accompanied his despatch of December 14, 1844, it will be seen that my immediate predecessor entertained the same views upon this point which I have just expressed. Mr. Wise said:

"It cannot be denied, and it is no longer to be concealed, (and the sooner the parties, at home and abroad, are informed of it the better,) that there is *no trade whatever* between the coast of Africa and Brazil but what partakes directly or indirectly of the nature and of the profits or losses of the slave trade. The slave trade is the main, the staple business, and all other trade, with the slightest exception, is accessory or auxiliary to it, between that coast (particularly the ports about Congo and Cabinda) and Brazil. And no vessels of the United States are chartered for that coast in this country but to export goods, provisions, and munitions of war, to make funds for the slave trade; or they are chartered to carry and bring crews of vessels employed in the slave trade, and to be tenders of those vessels in other respects; or they are chartered to cover their sales, and to obtain the protection of their flag, until they can be delivered on the coast, and ship their cargoes of slaves. And they are chartered by, and sold to, none, or scarcely any one, except notorious slave dealers, and are consigned in almost every instance to their known agents in Africa."

I believe that in no other manner than that which I have recommended can our government cut itself loose from the responsibility which now attaches to it in connexion with this subject. The mode suggested makes no attack upon honest and legitimate commerce; nor does it encroach upon the wide field of enterprise open to the seafaring man who spurns to earn gold at the price of blood and the honor of his country.

The preservation of the integrity of our flag is an object too sacred to be placed in the scale with dollars and cents. If it be not so, let all enactments upon the subject of the foreign slave trade be wiped from the statute-book. If it be an improper restriction upon commerce to prohibit our vessels from participating in a trade, all of which directly or indirectly facilitates the traffic in slaves, let the door be thrown wide open, and the protection afforded by the American flag will give to our citizens an undisputed monopoly in this most humane and honorable commerce in flesh and blood.

Citizens of the United States are constantly in this capital whose only occupation is the buying of American vessels with which to supply the slave importers. These men obtain sea-letters which entitle them to continue in use the United States flag; and it is this privilege which enables them to sell their vessels to the slave traders, deliverable on the coast of Africa at double, and sometimes more than double, the price for which they were purchased on the preceding day. The vessels take over slave goods and slave crews, under the protection of our flag, and remain nominally American property, until a favorable opportunity occurs for receiving a cargo of slaves; and it is not unfrequently the case that our flag covers the slaver until the Africans are landed upon the coasts of Brazil.

The granting of sea-letters to American purchasers in this country

is one prolific source of the abuse of our flag. But, under our laws and the instructions from the State Department, consuls are obliged to grant them, when the applicants establish that they are the *bona fide* purchasers, that they are citizens of the United States, and that they do not usually reside abroad. No little of my time here has been devoted to the consideration of these applications. I have attended in person at the consulate, and have cross-examined witnesses, and the applicants themselves; and, with the exception of two or three cases, in which the usual residence abroad of the purchasers was known to the consul and myself, the parties have never failed to swear in such manner as to entitle them to sea-letters under existing laws and instructions. It is a melancholy fact, that, no matter what proofs may be exacted, the slave power will manufacture them to order. With the slave dealers and their abettors, oaths are as the idle wind, and testimony is a fair purchasable comodity. So long as the American flag is suffered to cover vessels trading between Brazil and Africa, all restrictions may be considered absolutely nugatory and futile. American ingenuity, backed by the money of the slave importer, will triumph over all the guards and checks which the wisdom of Congress can throw around the trade between this and the opposite coast.

Many of our vessels have been seized and sent to the United States for trial on a charge of participating in the slave traffic; but how seldom except when slaves have been absolutely found on board, has a condemnation taken place. Forfeitures scarcely furnish exceptions to the general rule. Having its inception in a distant land, the crime remains unpunished, because a conviction is in a great measure dependent upon a chain of circumstantial evidence, and an intimate familiarity with the mode of conducting the trade, which are alone attainable upon the spot where the offence originated.

Apart from the odium which the participation of our flag and our citizens in the trade brings upon our country, it not unfrequently happens that private parties in the United States become sufferers. The case of the barque "Herald," lately communicated to the Department of State, is an instance in point. Masters and mates of vessels are sometimes seduced into a betrayal of the interests of their employers, and become pirates, in the hope of suddenly accumulating fortunes. Might not a repetition of outrages similar to those which mark the case of the Herald seriously endanger the peace of the countries?

Only a few days since, the French chargé d'affaires near this court informed me that he was instructed by his government to ascertain our laws upon the subject of the slave trade; and he at the same time submitted in writing the following questions: "What powers do the laws of the United States confer upon their agents upon the subject of the slave trade? Have they the power to prevent the transport to Africa in American vessels of merchandise destined for the traffic? Have they the power of placing an embargo upon vessels suspected of sailing for slaves?"

I refer to the request of Mr. St. George, in this place, only to show that other governments are becoming aroused to the necessity of adopting new measures to rid themselves from all connexion with this trade.

The painful solicitude I experience upon this subject is my apology for having thus long trespassed upon your valuable time. I could not

have said less, consistently with my sense of duty to my country and to the cause of humanity. I could not see our proud banner converted into a shield for slave robbers, and the sacred principle of its inviolability basely prostituted in the prosecution of this traffic, without once more invoking the prompt and energetic action of my government in the premises.

Nearly half a century has elapsed since the Congress of the United States prohibited the introduction of Africans as slaves into our country. The wisdom and the justice of that measure are acknowledged by all classes of our citizens, regardless of their locality. The North and the South, the East and the West, would rise as one man to crush any attempt to open our ports to the importation of African slaves. And does it not become us, then, as a just nation, to prohibit our citizens from directly or indirectly assisting to burden another people with what we would consider a dire curse? Shall we suffer the influence of our flag to remain arrayed in opposition to the Brazilian patriots and philanthropists who are struggling against great odds for the suppression of the trade? Or shall we not rather, by one summary act, secure ourselves from the taint of this horrible business, that we may be enabled consistently, and with a moral power which would be irresistible, to call upon the government of Brazil to rise in its might and crush the monster, at all hazards, and at any cost.

I shall not speak of the horrors of the slave trade, of the misery, of the wars, of the murders, it occasions; neither shall I lift the veil which conceals the hellish torments of the middle passage—tortures, compared with which the most cruel death known to the law would be hailed as mercy's boon. But I do appeal to my government as it regards the obligation devolving upon it to preserve the American escutcheon unsullied, and the duty it owes to a neighboring nation to cut us loose from all participation in this most accursed traffic; and I again repeat my conviction that this end can only be accomplished by the adoption of the measures I have recommended.

Hundreds of thousands of American bosoms would be bared to resent an insult offered to our flag by a foreign foe; and shall we hesitate to rescue that same glorious banner from the foul pollution of the slaver's touch, when it may be done by merely lopping off a trade comparatively contemptible in extent, bloodstained in character, and in which none but outlaws and the abandoned may be presumed to participate?

I have the honor to be, very respectfully, your obedient servant,

DAVID TOD.

Hon. JOHN M. CLAYTON,
Secretary of State, Washington, D. C.

Mr. Tod to Mr. Clayton.

[Extract.]

[No. 53.] LEGATION OF THE UNITED STATES,
Rio de Janeiro, March 18, 1850.

SIR: * * * * * * * * *

The case of the "Herald," referred to at length in my No. 45, is still

under investigation by the Brazilian authorities, in accordance with the promise made by the Minister of Foreign Affairs in his note which accompanied my No. 48, of 1st December.

Agreeably to the intention expressed in the despatch last referred to, I have, since its date, taken no step in this business. I have learned, however, from Edward Kent, esq., our consul, that he has received intimations from private quarters leading him to believe that those in fraudulent possession of the "Herald" contemplate surrendering her into his hands.

On the 24th of December I addressed a note (a copy of which is herewith, marked A) to Gorham Parks, esq., late United States consul in this city, requesting him to give me the result of his observations relative to the character of the commerce carried on in American vessels between Africa and Brazil. It was my wish to transmit Mr. Parks's reply with my No. 50 upon the subject of the slave trade, but it was not received until after that despatch had been forwarded to your department.

I have now the honor to enclose Mr. Parks's note, (marked B,) and respectfully direct your attention to the facts it embraces. The general intelligence of Mr. Parks, and the facilities he enjoyed for becoming familiar with the subject he discusses, entitle his suggestions to deliberate consideration. * * * * * * *

I have the honor to be, very respectfully, your obedient servant,

DAVID TOD.

Hon. JOHN M. CLAYTON, *&c., &c., &c., &c.*

A.

LEGATION OF THE UNITED STATES,
Rio de Janeiro, December 24, 1849.

SIR: You informed me verbally, after the receipt of my circular of the 24th of July, 1848, that it would be impossible to reply accurately and satisfactorily to the interrogatories therein contained, in consequence of the clandestine and fraudulent manner in which the general commercial intercourse between Brazil and the coast of Africa is conducted.

I am about again directing the attention of our government to the participation of American vessels in the African slave trade, and recommending the adoption of summary measures for blotting out the stain which this traffic has brought upon our flag; and, with this view, I have to ask you to give me the result of your observation and experience for the four years you occupied the office of consul of the United States in Rio de Janeiro, relative to the character of the commerce carried on in American vessels between the ports of Brazil and the coast of Africa.

I am, sir, with great respect, your obedient servant,

DAVID TOD.

GORHAM PARKS, Esq.,
Late Consul United States at Rio de Janeiro.

B.

Rio de Janeiro,
January 29, 1850.

Sir: I regret that circumstances have prevented me from answering your letters of July 24 and December 24 last past until now. The pressure of business, during the months of August and September, upon me, at the consulate, prevented me from collecting the information desired by you; and my absence from the city since my removal from office has, until the present moment, debarred me from access to the papers necessary to enable me to reply to you in a satisfactory manner.

The number of American vessels which, since the 1st of July, 1844, until the 1st of October last, (when I left the consulate.) sailed for the coast of Africa from this city, is ninety-three, as will appear from the annexed paper marked A. Of these vessels, all except five have been sold or delivered on the coast of Africa, and have been engaged in bringing over slaves, and many of them have been captured with the slaves on board. The value of the cargoes it is impossible to ascertain, as the amount of property on which duties are paid at the custom house by no means indicates the true amount carried over. They were all of them loaded with goods with which to purchase slaves, and with provisions and water for their support on their passage over.

The number of American vessels which have entered from the coast, during the same period, has been fifty-one, as by annexed paper marked B. The value of imports from Africa, excepting slaves, nothing. There is no trade between either the west or east coast of Africa and Brazil, excepting what is connected directly or indirecty with the slave trade. The English cruisers form the principal impediment to the prosecution of this traffic, and, as our government does not permit vessels carrying our flag to be searched, our vessels are preferred to most if not all others, by the slave traders, as offering perfect protection for the traffic from their dreaded enemy.

The first step in the prosecution of this traffic is to transport to the coast, in safety, the goods with which the slaves are to be purchased. For this purpose an American vessel is either chartered or bought. If the first, the vessel, having deposited the goods at the several slave factories and posts on the coast, returns to Rio in ballast, when the charter money is paid, and the affair is ended. If, however, the American vessel is purchased, the slave dealer (if other than a citizen of the United States) finds some American citizen in whom he is willing to confide, and employs him to buy the vessel. He does so, applies to the American consul for a sea letter, passes the necessary examination, and obtains the sea-letter. The slave dealer then makes a kind of stereotyped contract with this nominal owner, by which, in consideration of so much money per month, the said vessel shall carry to any port or ports in Africa such goods as the charterer may choose to put on board, (if not contraband,) and deliver them to the person to whom they are consigned. Connected with this is a letter of instructions from the nominal owner to his captain (if he be not master himself) directing him, provided A B, whom he understands may want a vessel, should offer him the sum of —— dollars, to sell him the vessel and take drafts on C D at Rio for the amount. In case A B, who is the agent on the coast of C D, the owner at Rio, has a cargo of

slaves ready to be shipped, *then* he wants the vessel, purchases it for the amount specified, and perhaps goes through the form of drawing bills on the owner here. All this transaction is gone through with for the purpose of being able to show that all is straight, if they are questioned by any public functionary of the United States, either at home or abroad. This pretended sale takes place at the moment when the slaves are ready to be shipped—the American captain and his crew going on shore as the slaves are coming off, while the Portuguese or Brazilian *passengers* who were carried out from Rio in her all at once become the master and crew of the vessel. Those of the American crew who do not die of coast fever get back as they can, many of them being compelled to come over in slave vessels in order to get back at all. There is evidence on the records of the consulate of slaves having started two or three times from the shore and the master and crew from their vessel, in their boat, carrying with them the flag and ship's papers, when, the parties becoming frightened, both parties retroceded, the slaves were returned to the shore, and the American master and crew again went on board the vessel, the stars and the stripes were again hoisted over her and kept flying until the cause of alarm (an English cruiser) had departed from the coast, and the embarcation safely effected.

I know of another case where an American captain took on board slaves and landed them three times, and was finally compelled to come away in ballast. Both the captain and the vessel have been in Rio since. The vessel was under American colors at the time.

You can have no desire to have me narrate to you at length the manner in which the slave trade is carried on, or to descant on its horrors; both are well known to you: and should the government of the United States wish for any further information on the subject, by directing the consul at this port to send home copies of all the depositions and other papers bearing on the subject which are recorded in his archives, a mass of information would be obtained which would cause many a blush for shame and glow of indignation at the degradation to which our flag is subjected in this slave traffic, and the aid it affords to it.

In the list marked A are included not only those vessels which cleared openly for the coast, but also those which cleared for small ports in Brazil, at times when some small American vessel was in harbor which could be ordered by the commodore to pursue and capture her, and afterwards slunk into some by-port, where they knew they were not likely to be followed, and there received their cargo, even to the slave-decks, and then proceeded to sea. So, also, it includes those like the Laurens, lately condemned at New York, which cleared ostensibly, I believe, for Batavia; and two whalers—the whalers Fame and the Herald—both of which vessels, having been cleared as for whaling voyages, were afterwards, in accordance with secret arrangements pefected in this city, converted into slavers when they got to sea, and were, as I understand, total losses to their owners or insurers. As the flag-ship never cruises on such occasions, her presence in the harbor excites but little alarm. In justice to myself, perhaps I ought to add that I have made it a rule to inform the commanding officer of our naval forces in the harbor of the intended sailing of every vessel I believed about being engaged in the slave trade, and the grounds of my belief. I have good reason to think that many of the captures made have been in consequence of such information.

The whole number of slaves imported into the province of Rio de Janeiro, which comprises this consulate, is estimated by Mr. Hesketh, H. B. M. consul, (who has better opportunities for information than any American consul can have,) for the years 1846, 1847, 1848, and 1849, to have been about one hundred and seventy-three thousand five hundred. In this estimate of Mr. Hesketh I fully concur, considering it rather below than above the mark. I have no means of information as to the whole number imported into Brazil.

The question now arises, Can the government of the United States do anything to lessen this evil? I think it can, and first by changing the character of the naval force upon this station. The United States naval force on the Brazil station is, and always has been, very badly adapted to suppress the slave trade. For that purpose we need small steamers, and small sailing vessels, to run up and down the coast as the commanding officer in chief may direct; and he should reside on shore at this port, which is the central point of operations for the whole coast. The district embraced within the United States naval Brazil station, so termed, extends from north of the equator to Cape Horn, and I am told it also nominally comprehends the southern part of the west, and the greater part of the east coast of Africa. The only vessels now on this station to guard this great extent of coast are two—the frigate Brandywine and the sloop-of-war St. Louis. The Brandywine bears the broad pennant of the commodore. Since I have resided here, the several commodores have passed the hot months in the river Plata, and the remainder of the year in this harbor. Once or twice a flag ship may have made a flying visit to Bahia and Pernambuco, but generally she is at anchor either here or at the river. Usually, when the flag ship is here, a sloop of war is at the river. At this time both vessels are at the river; for, the Brandywine being too large to go up to Buenos Ayres, the commodore is obliged to use the St. Louis to carry him there from Montevideo, above which port the frigate cannot go. I cannot see that the commodore is to blame for this. The department sends out a vessel too large for any useful or active purpose on this coast, and she of course remains in harbor the most of her time with her sails unbent, where she forms a very desirable residence for the gentlemen on board. I know it is said by naval gentlemen that it is necessary to have a large ship on the coast of Brazil, and chiefly in the harbor of Rio, to impress the government and people of Brazil with a suitable idea of our national greatness and importance. If those gentlemen would associate more with the people amongst whom they are, they would ascertain that Brazilians are not barbarians, but that the better portion of them and the government are well informed, intellectual people, that need no stately ship to impress them with proper views of our position among the family of nations. Great Britain understands herself better. She has no large ships lying idle and unemployed, but all her vessels are small, active, vigilant—ever on the move. She has scarce had an admiral's ship in port since I have resided here. The money that is expended in keeping up a line-of-battle ship or frigate, if properly expended in equipping small cruisers, would do much towards suppressing the slave trade in American vessels. In case the commodore were to live on shore, he certainly ought to be compensated for the extra expense. Lest these remarks might seem to reflect in any way on Commodore Storer, now in command on this station, permit me to say that, in endeavoring to put a

stop to the slave trade, he has been active, vigilant, willing, and truly desirous to do all in his power. He has effected much more than any of his predecessors, and, had he been furnished with the steamers which Mr. Wise and myself begged for in former days, and which you have asked for since, as well as myself, and always without success, and which, too, I believe, Commodore Storer likewise asked of the department, a much more beneficial result would have taken place under his administration than now has, although this is so much better than anything that has preceded it. Secondly, the power of consuls to grant sea-letters should be prohibited, or greatly restricted. Soon after I arrived here, I was applied to to grant sea letters. I perceived at once, what has since been too painfully verified, the great aid it would give to the slave traffic, and, after consultation with Mr. Wise, then United States Envoy Extraordinary and Minister Plenipotentiary at this court, I declined to grant sea-letters for any other voyage than to the United States, where, upon the arrival of the purchased vessel, her owner would be obliged to procure a register in the usual manner. Mr. Wise sent me a very able and luminous argument sustaining me in the views I took of this subject, which I forwarded to the State Department. An answer was returned informing me that it was my duty to grant sea-letters. Since that instruction was known, I have granted nineteen sea-letters to vessels, seventeen of which (those named in the accompanying paper marked C) are known to have gone to the coast of Africa, one went to California, and the other cleared for the river Plata, but where she went to I never knew. I have never granted a sea-letter except with the approbation of your predecessor or yourself. Of the number of applications rejected I have never kept an account. Every applicant was required to bring himself most clearly within the purview of the law. How severe and critical have been the examinations, you well know. As you inform me that you intend to communicate my letter to the Department of State, I annex copies of two of the examinations for perusal. Beyond them, there will be little in my letter that I have not in substance said to the Department of State years ago.

Furthermore, as there is no trade in American vessels between Brazil and the coast of Africa but what is directly or indirectly connected with the slave trade, all commerce between Brazil and Africa in our vessels should be prohibited. Should any one deny the assertion that there is no trade in American vessels between this country and the coast except what is connected with the slave trade, I refer him to the evidence furnished in the cases of the Laurens and Independence. Were these suggestions adopted, you must be well aware that not only the whole slave trade in our vessels between Africa and Brazil would be entirely broken up, but the slave trade itself, in *any vessels*, would receive a severe and salutary check; and no people would rejoice more at such a consummation than a large proportion of the ablest and wisest men this country affords. The deep affection which is felt here for the people of the United States would be increased; our commercial and friendly relations would be drawn still nearer together; our national character would be elevated more than it could be were we to line this whole coast with line-of-battle-ships and frigates; much good and no evil would be done.

In concluding this communication, allow me, sir, to tender you my thanks for the aid you have ever so readily afforded in the execution of

my multifarious and laborious duties as consul, and the unwavering kindness you have ever extended to me as a man.

With great respect, I am your excellency's most obedient servant,

GORHAM PARKS,

Late United States Consul at Rio de Janeiro.

To His Excellency DAVID TOD,

Envoy Extraordinary and Minister Plenipotentiary of the United States at the Court of Brazil.

A.

List of American vessels cleared for the coast of Africa from July 1, 1844.

Date.	Rig.	Names	Captains.	Where belonging.
1844				
Nov. 17	Brig	Sterling	Gallop	Beverly
21	..do	Susan and Mary	J. B. Corner	Baltimore
1845.				
Jan. 24	..do	Arctic	Pascal	...do
1844.				
Dec. 4	..do	Sea Eagle	Smith	Boston
1845				
Feb. 18	Barque	Herschell	Adams	New York
Mar. 22	..do	Pons	Graham	Philadelphia
April 19	..do	Pilot	Swift	Boston
May 17	..do	Madeline	Shankland	
Feb. 28	Brig	Janet	Burk	
Aug. 4	Ship	Panther	Clapp	Providence
July 19	Barque	Pons	Graham	Philadelphia
Aug. 11	..do	Pilot	Swift	Boston
Nov. —	..do	Z. D.	Bascett	...do
Oct. 11	Schooner	Enterprise	Nicholson	...do
Nov. 18	Barque	Cuba	Blanchard	...do
Oct. 30	Brig	Harriet	Jarvis	Baltimore
Dec. 3	..do	Beulah	Merrill	Portland
13	..do	Roarer	Auchindost	New York
20	Barque	Lucy Penniman	Reddell	...do
31	..do	Pilot	Swift	Boston
1846.				
Feb. 13	..do	Zaida	Chapman	Wiscasset
Mar. 7	Brig	Vintage	Fry	Salem
11	..do	Frances Ann	Tate	New York
May 20	..do	Casket	Woodbury	Beverly
Aug. 24	..do	Beulah	Merrill	Portland
July 28	..do	Chipola	McLennan	Baltimore
Sept. 30	Schooner	Dover	Kersey	New York
Aug 11	Brig	Frances Ann	Tate	...do
29	..do	Vintage	Edwards	Salem
Sept. 15	..do	Forest	Attridge	New York
Nov. 26	..do	Frances Ann	Tate	...do
Dec. 7	..do	Sterling	Gallop	Beverly
19	..do	Frederica	Ranch	Key West
31	..do	Senator	Kelley	Boston
31	Barque	Fame	Anthony Marks	New London
1847.				
Feb. 27	..do	Josephine	T. Jones	New York
Mar. 27	Brig	Forest	Attridge	
23	..do	Casket	Woodbury	
April 24	..do	Malaga	Lovett	
July 10	..do	Don Juan	Moris	
16	..do	Magoun	Russell	Providence
Aug. 4	..do	Casket	Woodbury	
Sept. 30	..do	Malaga	Lovett	
Nov. 6	Barque	Ceres	Harris	
18	..do	Camilla		
Oct. 28	Schooner	Alicia	Jones	
Dec. 29	Brig	J. W. Huntington	E. Kemp	
1848.				
Jan. 21	..do	Brazil	Bevans	
5	..do	Whig	Beard	
Mar. 3	Barque	California	Pedrick	
18	Brig	Caracas	Littlefield	
18	Schooner	Morris	Currier	
23	..do	M. L. Smith	Smith	

A—Continued.

Date.	Rig.	Names	Captains.	Where belonging.
1848.				
April 12	Brig	C. K. Rogers	Ranch	
May 23	..do	Oregon	Ayres	
June 8	Schooner	Juliet	Gordon, jr.	
May 27	Barque	Louisa	Souder	
July 15	Schooner	Morris	Jones	
17	..do	Zenobia	Belton	
May 6	Ship	Herald	Barker	
April 1	Brig	Frederica	Faulkner	
Aug. 16	..do	J. W. Huntington	Roberts	
28	Barque	Globe	Bevans	
Sept. 15	Schooner	Mary Catharine	W. Griffin	Baltimore
25	..do	Marion	W. J. Rogers	Sag Harbor
26	Brig	Venus	Adams	Gloster
Oct. 31	Schooner	Henrietta	Otis Guico	
Nov. 6	Barque	Camilla	Forsyth	
8	Brig	Caracas	Morris	
10	..do	Albertina	Montgomery	New York
14	Schooner	Morris	Jones	
14	Barque	Eureomus	Appleton	Salem
18	Ship	France	Corning	
28	Brig	Snow	Washburn	
30	Barque	Louisa	Roach	
Dec. 11	..do	A. D. Richardson	Storer	
13	Brig	Independence	Burns	
19	..do	*Flora	Clapp	
1849.				
Jan. 16	Schooner	Zenobia	Balton	
Feb. 7	Brig	Latona	Nickols	Philadelphia
12	..do	Whig	Whippy	New York
27	..do	Deposit	Clark	Boston
Mar. —	Barque	Quincy	Ayres	....do
24	Schooner	Morris	Jones	
June 11	Brig	Rowana		
30	..do	W. Thomas		
July 7	..do	Caracas		
Aug. 3	..do	R. de Zaldo		
6	Ship	Hannibal	Balton	
25	Barque	Chester	Nikols	
Sept. 1	Brig	Snow	Washburn	
30	..do	Casco	Kenney	
30	..do	†Susan	Walford	

* This vessel had cleared for the coast of Africa, but, before sailing, was sold, and transferred to the Brazilian flag.

† This vessel was seized and sent home by the United States forces on this station.

All these vessels, excepting Cuba, Lucy Penniman, Camilla, Oregon, and Vintage, have been delivered over at the coast of Africa, and been engaged in bringing over slaves—many of them captured with slaves on board.

List of American vessels arrived from the coast of Africa, from July 1, 1844.

Dates.	Rig.	Names.	Masters.	Owners.	Where belonging.
November 15, 1844	Brig	Sea Eagle	Smith	B. C Clark	Boston.
March 5, 1845	..do	Susan & Mary	Welch	Horner, *et al*	Baltimore.
April 28, 1845	..do	Sea Eagle	Smith	As above.	
June 2, 1845	..do	Sterling	Lovett	Bryant & Foster	Beverly.
June 9, 1845	..do	Arctic	Pascal	Jas. Phillips	Baltimore.
June 27, 1845	Barque	Pons	Graham	J. Welch, jr	Philadelphia.
Do	..do	Pilot	Swift	J. Parsons, *et al*	Boston.
November 29, 1845	Brig	Janet	Chason	B. C. Buck	Baltimore.
March 7, 1846	Barque	Z D	Barett	M. Cobb & Co	Boston.
April 1, 1846	Brig	Harriet	Jarvis	J. B. Wilson	Baltimore.
April 15, 1846	..do	Roarer	Auchindost	Auchindost	New York.
May 5, 1846	..do	Beulah	Merrill	Merrill	Portland.
July 14, 1846	..do	Vintage	Edwards	R. Brookhonge & Co	Salem.
July 24, 1846	..do	Frances Ann	Tate	B. Richards	New York.
October 19, 1846	..do	..do	..do	..do	..do.
October 20, 1846	..do	Chipola	McLennan	J. B. Brown	Baltimore.
November 28, 1846	..do	Malaga	Lovett	As above.	
December 5, 1846	..do	Vintage	Edwards	As above.	
December 26, 1846	..do	Beulah	Forsyth	As above.	
January 14, 1847	..do	Forest	Attridge	P. C Clinton	New York.
March 9, 1847	..do	Frances Ann	Tate	As above.	
April 9, 1847	..do	Sterling	Graham	As above.	
April 22, 1847	Schooner	Dover	Kelly	D. Dishon	Boston.
April 28, 1847	Brig	Frederica	Ranch	Ranch	Key West.
July 8, 1847	..do	Casket	Woodbury	E. Foster & Co	Beverly.
July 22, 1847	..do	Forest	Attridge	As above.	
August 15, 1847	..do	Malaga	Lovett	As above.	
October 9, 1847	..do	J. W. Huntington	Kemp	D. R. Mastin	New York.
October 18, 1847	..do	Don Juan	Moris	George Miles	..do.
November 2, 1847	..do	Brazil	Bevans	Bevans	..do.
December 1, 1847	..do	Casket	Woodbury	As before.	
February 12, 1848	Schooner	Alicia	Smith	Birckhead & Pearce	Baltimore.

B—Continued.

Dates.	Rig.	Names.	Masters.	Owners.	Where belonging
February 16, 1848	Barque	Camilla	Rauch	Joshua M. Clapp	New York.
April 6, 1848	do	Ceres	Huggins	do	New London.
April 28, 1848	Brig	Whig	Forsyth	do	Baltimore.
May 1, 1848	do	Vintage	Babbidge	As before.	
Do	do	J. W. Huntington	Roberts	As before.	
May 3, 1848	do	Amazon	Charon	Lambert Gittings	Baltimore.
June 8, 1848	Schooner	Morris	Cartier	George Miles	New York.
June 11, 1848	Brig	Caracas	Moris	J. Graham	do.
July 5, 1848	do	Brazil	Bevans	As before.	
July 25, 1848	Barque	St. Andrew	Doane	J. Nickerson	New York.
September 2, 1848	Brig	Oregon	Ayres	R. Brookhouse & Co	Salem.
October 1, 1848	Barque	Louisa	Souder	Souder	New York.
October 15, 1848	Schooner	Morris	Jones	As before.	
November 2, 1848	do	Zenobia	Belton	J. M. Clapp	Baltimore.
November 22, 1848	Brig	J. W. Huntington	Roberts	As before.	
June 20, 1849	do	Venus	Adams	E. H. Stacy & Co.	Gloucester.
June 21, 1849	Schooner	Morris	Jones	As before.	
April 6, 1849	Barque	Camilla	Forsyth	As before.	
July 14, 1849	do	Cintonia Weight*	Raille	J. B. Howell	Baltimore.

* This vessel sailed from the United States with passengers, and came here for a cargo of coffee.

C.

List of vessels sold at this port, and which have sailed under sea-letters, immediately connected with the slave-trade.

Rig.	Names.	By whom purchased.
Barque	Ceres	J. M. Clapp.
Do	Camilla	....do.
Brig	Brazil	Bevans.
Do	Whig	J. M. Clapp.
Do	C. H. Rogers	Charles Ranch.
Barque	Louisa	J. Souder.
Schooner	Zenobia	J. M. Clapp.
Do	Henrietta	....do.
Barque	Globe	....do.
Ship	France	....do.
Barque	Quincy	Frank Smith.
Brig	Imogene	A. K. Appleton.
Ship	Hannibal	Frank Smith.
Brig	Casco	J M. Clapp.
Do	Malaga	Charles Lovett.
Barque	A. D. Richardson	Charles W. Storer.
Brig	Flora*	J. M. Clapp.

* But did not sail under sea-letter, being transferred to the Brazilian flag.

Mr. Tod to Mr. Clayton.

[No. 58.] LEGATION OF THE UNITED STATES,
Rio de Janeiro, June 20, 1850.

SIR: Your despatch No. 24, with the enclosures, is just at hand.

I am gratified to hear from your department (as I now do for the first time since my residence at this court) in relation to the abominable traffic in slaves carried on under the flag of our country from the coast of Africa to the ports of this empire. I regret deeply, however, that the interference of a foreign government should have caused your communication, or that you should have thought it necessary to have given me *instructions*, after what I have written to your department, to exert myself "to repress the illegal traffic."

You wrong, deeply wrong, the authorities of our government here in crediting the assertion of the British chargé d'affaires, Mr. Hudson, that we "had of late (November 13, 1849) relaxed our rigorous measures in the suppression of the slave trade in American vessels."

To acquit myself of the foul charge, may I not with triumph refer you to my several despatches Nos. 11, 12, 17, 23, 28, 34, 45, 49, 50, at length, and 53? Justice to Mr. Parks, the former United States consul, and to Mr. Kent, the present consul, requires that I should, so far as they are concerned, also repel the charge. They simply have the power and duty to grant clearances to registered vessels, and to issue sea-letters to American vessels that may be transferred to American citizens at this place. These vessels may by law clear for any port in the world, or they may clear for one port and then go to another.

When the applicant demands either a clearance or sea letter, if he is entitled to it, the consul is bound to give it to him, and has no power to inquire what trade he designs putting his vessel into.

Many of the vessels of our nation that engage in this trade change owners here; hence the applications for sea-letters are numerous. In no single instance did Mr. Parks grant a sea letter without first consulting with me. Mr. Kent, I believe, has, in one or two instances, when the cases admitted of no doubt whatever, done so. They have both held the applicants to the most rigid proof of their right to demand the sea-letter, and, unless this was furnished, it has been withheld. They have been faithful and vigilant in the discharge of all the duties of their office. They should not, then, for a moment, rest under this charge, preferred against us all by Mr. Hudson.

It is true that the *government of the United States* have not been as vigilant for the past few months in the suppression of the slave traffic in American vessels as they had been for some time prior to the 9th June, 1849, (the date of Mr. Hudson's letter of praise;) but the fault is not with officers of our government here.

I have frequently urged the absolute necessity of keeping at this place vessels of war of suitable size, for the purpose of searching upon the high seas such vessels as one might suspect were engaged in the trade. The United States brig "Perry" was sent to this station for that purpose, and while here did most efficient service.

Most unfortunately, however, for some cause unknown to us, she was ordered home. Since her departure, which was in the early part of June, 1849, we have not had any vessel of war in this port at all suitable to the

purpose. True, the frigate "Brandywine" has been in port part of the time; but she might just as well have been at home as here, for, long before she could be got under way, the suspected vessel would have made her escape.

We have not the right to visit or search our vessels in the waters of Brazil; and, without the means to follow the slaver to sea, how are we to repress the traffic? It will afford me pleasure to continue to use every means in my power to rescue our flag from this accursed traffic; but, without the aid from Congress and from the Navy Department which I have heretofore recommended, the slave traders, as Mr. Hudson says, "will continue to be worried by applications from Americans to hire their vessels." With this aid, however, the vigilance of the authorities here would worry them to find an American vessel that will dare to engage in their infamous business. Until this aid is given us, however, the foul stigma must rest upon our nation. I have heretofore communicated my views so fully upon this subject to your department, that, solicitous as I feel upon the subject, I find it difficult to say anything more. Permit me, however, to call your attention again to my despatch No. 50. This was written with the hope that the subject, if not the communication itself, would be deemed of sufficient importance to be laid before Congress.

Be that as it may, however, since the charge has been made against me by her Britannic Majesty's representative that I have been less vigilant than I should be in rescuing the beloved flag of my country from the hands of those who are worse than murderers, I feel that it is due to myself that my several despatches relating to this subject be communicated to Congress for publication, and I request the President to cause this to be done.

I have the honor to be, very respectfully, your obedient servant,

DAVID TOD.

Hon. JOHN M. CLAYTON,
Secretary of State, Washington City, D. C.